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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,691	06/14/2002	Takeshi Hirakawa	TAKP:102_US_	4671

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SIMPSON & SIMPSON, PLLC  
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WILLIAMSVILLE, NY 14221-5406

EXAMINER

BAHTA, ABRAHAM

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/049,691

Applicant(s)

HIRAKAWA, TAKESHI

Examiner

Abraham Bahta

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Drawings***

On pages 1-2 the specification indicates that Figs. 5-7 are prior art. Therefore, figures 5-7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Further, the central angle of the arch "W" as cited on page 7, last paragraph line 6, is not shown in the drawings.

### ***Specification***

On page 7 of the specification, lines 21-22 appear to have a grammatical error. The phrase "should be a shape no unnecessary void is formed" is unclear.

On page 8, line 9, "miner" should be "minor".

On page 8, the statement on line 23, "Then use method of the interdental brush set of the present invention is described" is unclear. Correction is required. The specification should be reviewed carefully for similar errors.

The disclosure is also objected because on pages 9-10 the specification refers to the claims. The disclosure should not refer to any claims because the numbering of the claims may change during the course of the patent prosecution procedure.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 09-121942 in view of Parafenie (USP 5,471,701) or Wagner (USP 6,247,477).

JP '942 teaches an interdental brush comprising attachment of brush part to the grip part of the interdental brush at angle of 90° against axial direction of the brush. See Abstract and Figs. (a) and (b). The inter-brush has a brush element which is attached to a grip (4) through a brush chip (3) rotatably. Pivot shafts are protruded on both sides of the base of the brush chip (3). Shaft holes are furnished in the grip foremost part in bifurcated shape, for example positioned opposingly with a gap interposed, where the base is to be inserted, and the pivot shafts are set in shaft holes (6), (6) with possibility of clicking rotation. A locking part is attached on the sliding surfaces of the shaft holes and pivot shafts so as to hold the brush chip with a certain angle relative to the handle (4). See Abstract.

The reference does not require an exchangeable brush part and a brush set; however, providing interchangeable cleaning implements and packaging the implements such as brush heads or other cleaning implements for oral hygiene into a kit is notoriously well known as evidenced by

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Parafenie '701 or Wagner 477. Parafenie '701 teaches a toothbrush which includes a handle and a brush head removably connected to the handle. The toothbrush may be packaged into a kit with other multiple replacement attachments such as interchangeable heads wherein the user pushes a button to remove the worn head and replace with a new one. See col. 3, lines 32-31. Similarly, Wagner '477 teaches dental implements packaged into a kit wherein the implements comprise any of number of dental devices such as a pick, interproximal brush, a burnishing head, an interdental stimulator, a stain remover and a toothbrush head. See col. 1, lines 30-45. The cleaning implements may be secured to a base of the kit having an appropriately dimensioned socket. See col. 3, lines 53-65 and the claims.

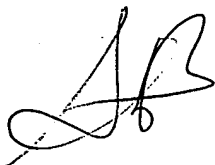
It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided exchangeable brush set or other cleaning implements to the device of the JP '942 as taught by Parafenie and Wagner so that a multi-purpose implement may be created or when the operative part is worn or soiled, it may be exchangeable. The limitation such that the neck being slit and the size of the slit relative to the brush socket or container room is considered; however, since Parafenie and Wagner teaches the different cleaning implements may be secured in a socket or a kit, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected appropriate dimensions for the cleaning implements in order the hold the interchangeable cleaning implements in place.

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Any inquiry concerning this communication should be directed to Abraham Bahta at telephone number (571) 272-1532. The Examiner can normally be reached Monday-Friday from 11:30 AM -8:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah Jones can be reached on (571) 272-1535. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



A. Bahta

02/05/04

  
DEBORAH JONES  
SUPERVISOR, PATENT EXAMINER